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LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

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1 AN ACT
2 RELATING TO CURFEWS; AMENDING SECTION 20-549, IDAHO CODE, TO REVISE THE
3 PENALTY FOR A JUVENILE CURFEW VIOLATION.

4 Be It Enacted by the Legislature of the State of Idaho:

5 SECTION 1. That Section 20-549, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 20-549. CURFEW VIOLATIONS -- CITATION -- NOTIFICATION. Violation by a
8 juvenile offender of a curfew established by a municipal or county ordinance
9 shall constitute an infraction and shall be punishable by a fine not to ex-
10 ceed three hundred dollars (\$300), ~~detention, or both~~. Fines shall be de-
11 posited in the county juvenile justice fund of the county where the viola-
12 tion occurred, or if such a fund has not been established, then in the current
13 county expense account for juvenile corrections purposes in the county where
14 the violation occurred. ~~The imposition of detention shall be subject to the~~
15 ~~provisions of sections 20-520(1)(c) and 20-521, Idaho Code.~~ Detention of
16 a juvenile offender in a county jail or detention center for violation of a
17 curfew is prohibited, unless the juvenile offender is an habitual status of-
18 fender as defined in section 20-521, Idaho Code.

19 Any peace officer may issue a citation for violation of a curfew that
20 shall thereafter proceed under the juvenile corrections act in the same man-
21 ner as though the violation was charged by a petition. Citations shall be is-
22 sued on the Idaho uniform citation form. The peace officer issuing a curfew
23 citation may detain the violator and at the time the citation is issued shall
24 make a reasonable effort to obtain the endorsement of the juvenile's par-
25 ent or legal guardian on the citation. If the endorsement of a parent or le-
26 gal guardian cannot be obtained with the exercise of reasonable diligence, a
27 copy of the citation shall be hand delivered or mailed to the juvenile's par-
28 ent or legal guardian by a peace officer at least seven (7) days prior to the
29 date set for the juvenile's appearance. The citation shall provide a date
30 certain for the appearance before a magistrate of the juvenile and parent or
31 legal guardian.

32 ~~When sentencing a juvenile offender for violating a curfew, the court~~
33 ~~may also enter any order authorized in section 20-520, Idaho Code. The court~~
34 ~~shall have jurisdiction over the parent or legal guardian of the violator~~
35 ~~pursuant to section 20-522, Idaho Code.~~